



FEB 02 2009

PATENT
CASE NO. 21272Y

1 fm

176

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: MARK E. FRALEY, ET AL.
Serial No. 10/539,531
Filed June 17, 2005
Group Art Unit 1625
Examiner B.M. Robinson
For: MITOTIC KINESIN INHIBITORS

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims	* <u>12</u>	-	** <u>20</u> =	<u>0</u> X	\$52	= <u>0.00</u>
Independent Claims	* <u>4</u>	-	*** <u>4</u> =	<u>0</u> X	\$220	= <u>0.00</u>
Multiple Dependent Claims					\$390 ****	= <u> </u>
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						0.00

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5

** If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space

**** Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 0.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755.

Respectfully,

Spicoli Beeeler

By: Nicole M. Beeler

Attorney _____ for Appl

Page No. 45 194

Reg. No. 45,111

MERCK & CO., INC.
Patent Dept. BX60 34

Patent Dept., R Y 60-3
P.O. Box 3000

P.O. Box 2000
Rahway, N.J. 07065-0907

(732) 504-1077

Date: January 29, 2009



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark E. Fraley et al.

Serial No.: 10/539,531

Case No.: 21272YP

Art Unit:
1625

Filed: June 17, 2005

Examiner:
B. M. Robinson

For: MITOTIC KINESIN INHIBITORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE UNDER 35 U.S.C. 1.116

Sir:

The following amendments and remarks are in response to a Final Office Action that was mailed on January 08, 2009, and which has an unextended period of response that expires on April 08, 2009.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC

MAILED BY Barbara Muller DATE 1-29-09